IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2676 OF 1996

Dena Bank. ... Plaintiff.

V/s.

Ramesh M. Chinchani & ors. ... Defendants.

R.L.Dharia for the plaintiff.

CORAM : A.M.KHANWILKAR, J.

DATED : 5th September, 2005.

P.C. :

. Learned counsel for the plaintiff states that decree on admission has already been passed in so far as defendant Nos.1 and 3 are concerned on 18th September 1996. In so far as defendant No.2 is concerned, the plaintiff has no intention to pursue the matter and is withdrawing the suit. Accordingly, suit is dismissed as withdrawn in so far as defendant No.2 is concerned.

2. Counsel for the plaintiff submits that the Court Receiver has been appointed in execution proceedings but the Court Receiver has not taken possession of the suit premises so far. In the circumstances, counsel for the plaintiff submits that as the amount has been received from defendant Nos.1 and 3 in terms of decree on admission passed against them, nothing survives in the execution

proceedings. Accordingly execution proceedings against defendant Nos.1 and 3 are also disposed of.

Court Receiver is discharged. Refund as per rules.

3. All concerned to act on authenticated copy of this order.

(A.M.KHANWILKAR, J.)